

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MATTHEW DUBAY,

Plaintiff,

v.

Case Number 06-11016-BC
Honorable David M. Lawson

LAUREN WELLS, an individual, and
SAGINAW COUNTY PROSECUTING
ATTORNEY'S OFFICE, by and through,
MICHAEL D. THOMAS, prosecutor,

Defendants,

and

MICHAEL A. COX, Attorney General
of the State of Michigan,

Intervening-Defendant.

_____/

ORDER GRANTING MOTION TO INTERVENE

This matter is before the Court on the attorney general of Michigan's motion to intervene pursuant to Federal Rule of Civil Procedure 24 and 28 U.S.C. § 2403 because the constitutionality of a Michigan statute is at issue in the case. Rule 24(b)(1) provides that "[u]pon timely application anyone may be permitted to intervene in an action: (1) when a statute of the United States confers a conditional right to intervene[.]" Section 2403(b) confers such a right on the attorney general.

In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall . . . permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

After reviewing the attorney general's submission, the Court believes that intervention is appropriate. The plaintiff challenges the constitutionality of Michigan's Paternity Act, Mich. Comp. Laws § 722.711 *et seq.*, under the Equal Protection Clause of Fourteenth Amendment. Plainly, the extent of a parent's responsibility with respect to supporting his child is within the public interest. Therefore, the conditions for intervention under Rule 24 and section 2403 have been met.

Accordingly, it is **ORDERED** that the attorney general's motion for intervention [dkt # 5] is **GRANTED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 27, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 27, 2006

s/Tracy A. Jacobs
TRACY A. JACOBS